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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,683	12/28/2000	Hyong-Taek Lim	0630-1193P	6561

7590 10/26/2004

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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/749,683

Applicant(s)

LIM ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/29/04, 9/10/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This Office Action is in response to the amendment filed 08/09/04.
2. Claims 1-5 were canceled. Claims 6-7, previously withdrawn, were amended and are now rejoined (See Election/Restriction section). Claims 8-12 were added.
3. Claims 6-12 are pending in this Office Action.
4. The objection to the Abstract is withdrawn.
5. The Examiner accepts the Substitute Specification submitted with the amendment.

New Grounds of Rejection

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Election/Restrictions

7. In regards to the restriction requirement made in the Office action mailed on 5/13/04, the arguments presented by the Applicants to withdraw the restriction were not persuasive. However, the elected claims of 1-5 have been canceled, the withdrawn claim 6 has been amended (with claim 7 being dependent on claim 6), and there are newly added claims of 8-12. Upon review of claims 6-7 and 8-12, a restriction requirement is not necessary between these sets of claims. Therefore, in interest of expediting prosecution of this application, Claims 6 and 7 are being rejoined such that Claims 6-12 are pending in this Office Action.

8. Claims 6 and 7 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office action mailed on 5/13/04 is hereby withdrawn.

Claim Objections

9. Claims 7, 8, 11 and 12 are objected to because of the following informalities:
- a. All instances of "data" should be "appliance operating parameter data" for consistency and clarity. For example, in Claim 7, "the transmitted/received data" should be "the transmitted/received appliance operating parameter data" or just "the appliance operating parameter data".
 - b. In general, Claim 7 is unclear. The Examiner suggests rewriting the claim as "wherein the appliance operating parameter data is downloaded from a web site of the information provider" or something similar to that effect.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
12. Claim 6 recites the limitation "the corresponding control apparatus" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 7 recites the limitation "the web site" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,104,334 by Allport (Allport).
16. With respect to Claim 6, Allport teaches a controlling method of controlling one or more home appliances using an Internet remote controller (Col. 5 lines 50-59 and Col. 6 lines 23-30), comprising: downloading appliance operating parameter data from an information provider through a computer connected to the Internet (Col. 5 lines 50-59 and Col. 6 lines 23-30); receiving and storing at least part of the appliance operating

parameter data on an Internet remote controller connectable directly or remotely to the computer (Col. 5 lines 50-59, Col. 6 lines 23-30, and Col. 28 lines 51-59); transmitting from the remote controller the stored appliance operating parameter data and a control command of a home appliance to the corresponding control apparatus of a home appliance to be controlled (Col. 5 line 50 - Col. 6 line 13); and controlling operation of the home appliance based on the transmitted appliance operating parameter data and the control command (Col. 5 line 50 - Col. 6 line 13 and Col. 6 lines 23-30 and Col. 26 lines 27-36).

17. With respect to Claim 7, Allport teaches all the limitations of Claim 6 and further teaches the transmitted/received data is the information which is downloaded and is stored from the web site for providing the information through the internet (Col. 28 line 60 - Col. 29 line 11).

18. With respect to Claim 8, Allport teaches an internet remote control system for controlling one or more appliances (Col. 5 lines 50-59 and Col. 6 lines 23-30), comprising: a transmission/reception remote control unit having a receiver to receive appliance operating parameter data from a personal computer (Col. 5 lines 50-59, Col. 6 lines 23-30, and Col. 28 lines 51-59), a memory to store at least part of the data (Col. 27 lines 18-32), and a transmitter to transmit received data and a control command to the one or more appliances (Col. 27 lines 33-61); an appliance having a receiver to receive the appliance operating parameter data received by the remote control unit from the personal computer and transmitted to the appliance by the remote control unit (Col. 6 lines 23-30 and Col. 9 lines 21-38 and Col. 24 lines 51-65), and a processor to

operate the appliance based on the appliance operating parameter data and the control command transmitted to the appliance by the remote control unit (Col. 1 lines 37-45 and Col. 6 lines 23-30 - Note: It is inherent that there is such a processor in the appliances disclosed by Allport, otherwise the appliances would be unable to interpret the data being transmitted to them).

19. With respect to Claim 9, Allport teaches all the limitations of Claim 8 and further teaches the transmission/reception remote control unit communicates with the computer using infrared radiation (Col. 28 lines 51-59).

20. With respect to Claim 10, Allport teaches all the limitations of Claim 8 and further teaches the transmission/reception remote controller communicates with the computer using an adapter (Col. 28 lines 23-59).

21. With respect to Claim 11, Allport teaches all the limitations of Claim 8 and further teaches the data includes appliance time of operation or manner of operation (Col. 5 line 50 - Col. 6 line 13 and Col. 24 lines 51-65).

22. With respect to Claim 12, Allport teaches all the limitations of Claim 8 and further teaches further comprising a switch to switch the remote control unit into a reception mode to receive data from the computer and to switch the remote control unit into a transmission mode to transmit data to the one or more appliances (Col. 10 line 64 - Col. 11 line 16).

Response to Arguments

23. The Applicants' arguments regarding the Restriction Requirement have been addressed in the above "Election/Restriction" section.

24. The Applicants' arguments concerning the rejections of Claims 1-5 under 35 U.S.C. §102 are moot, as Claims 1-5 have been canceled.

25. In regards to Claim 6 and 7, the Applicants argue the previously applied prior art reference, U.S. Patent 6,104,334 by Allport does not disclose the claimed features of Claim 6 and 7 (See Pages 11-12 of the Remarks filed 08/09/04).

Applicants' arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Furthermore they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868 (571-272-3986 after October 27, 2004). The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro
October 18, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER